



## INTERIOR BOARD OF INDIAN APPEALS

Flora Blacktail and Deb'e Bell v. Acting Billings Area Director,  
Bureau of Indian Affairs

29 IBIA 191 (05/15/1996)

Denying reconsideration of:  
29 IBIA 172



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

FLORA BLACKTAIL and DEB'E BELL,  
Appellants

v.

ACTING BILLINGS AREA DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Denying Reconsideration  
:  
:  
: Docket No. IBIA 96-39-A  
:  
:  
:  
: May 15, 1996

On April 15, 1996, the Board summarily affirmed a December 11, 1995, decision of the Acting Billings Area Director, Bureau of Indian Affairs, which required appellants to remove a mobile home from Fort Peck Allotment 1527-B and required the Superintendent, Fort Peck Agency, to assess damages due to the landowners for unauthorized use of the allotment. 29 IBIA 172. The Board's order of affirmance was issued following appellants' failure to make any allegation of error in the Area Director's decision, despite having been advised that they bore the burden of proving error in the decision.

On May 13, 1996, the Board received a petition for reconsideration from appellants. The petition states that appellant Flora Blacktail has been ill since September 1995 and has been "unable to respond in the time period established because of her medical condition" (Petition for Reconsideration at 2).

Appellants have been represented by an attorney throughout these proceedings. Especially because no allegations of error were made in the notice of appeal, it was counsel's responsibility to file a brief or, if necessary, to seek an extension of time for filing a brief. Counsel did neither.

Appellants have failed to show that there are extraordinary circumstances warranting reconsideration of the Board's April 15, 1996, order.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellants' petition for reconsideration is denied.

//original signed

Anita Vogt  
Administrative Judge

//original signed

Kathryn A. Lynn  
Chief Administrative Judge